

## Filing at a Glance

Company: XL Specialty Insurance Company

Product Name: Other Liability

TOI: 17.0 Other Liability - Claims

Made/Occurrence

Sub-TOI: 17.0019 Professional Errors &  
Omissions Liability

Filing Type: Form

SERFF Tr Num: XLAM-125228239 State: Arkansas

SERFF Status: Closed

State Tr Num: AR-PC-07-025400

Co Tr Num: 07SD-XD-DP09-CW-  
AR

State Status:

Co Status:

Reviewer(s): Betty Montesi, Edith  
Roberts, Brittany Yielding

Author: Trish Pollard

Disposition Date: 07-11-2007

Date Submitted: 07-10-2007

Disposition Status: Approved

Effective Date Requested (New): 09-01-2007

Effective Date (New):

Effective Date Requested (Renewal): 09-01-2007

Effective Date (Renewal):

## General Information

Project Name: Architects, Consultants & Engineers Technology  
Services Form Filing

Status of Filing in Domicile: Pending

Project Number: 07SD-XD-DP09-CW-AR

Domicile Status Comments:

Reference Organization:

Reference Number:

Reference Title:

Advisory Org. Circular:

Filing Status Changed: 07-11-2007

State Status Changed: 07-11-2007

Deemer Date:

Corresponding Filing Tracking Number:

Filing Description:

Submitting a Technology Services Coverage form for use with our Architects, Consultants & Engineers Program

## Company and Contact

### Filing Contact Information

Patricia Pollard, Compliance Analyst

patricia.pollard@xlai.com

1201 N. Market Street

(302) 661-7010 [Phone]

Wilmington, DE 19801

(302) 778-4190[FAX]

### Filing Company Information

XL Specialty Insurance Company

CoCode: 37885

State of Domicile: Delaware

1201 N. Market Street

Group Code: 1285

Company Type:

Suite 501

Wilmington, DE 19801

Group Name:

State ID Number:

(800) 394-3909 ext. [Phone]

FEIN Number: 85-0277191

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## Filing Fees

|                  |         |
|------------------|---------|
| Fee Required?    | Yes     |
| Fee Amount:      | \$50.00 |
| Retaliatory?     | No      |
| Fee Explanation: |         |
| Per Company:     | No      |

| CHECK NUMBER | CHECK AMOUNT | CHECK DATE |
|--------------|--------------|------------|
| 63333        | \$50.00      | 07-10-2007 |

## Correspondence Summary

### Dispositions

| Status   | Created By    | Created On | Date Submitted |
|----------|---------------|------------|----------------|
| Approved | Edith Roberts | 07-11-2007 | 07-11-2007     |

## **Disposition**

Disposition Date: 07-11-2007

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment:

Rate data does NOT apply to filing.

| Item Type           | Item Name  | Item Status | Public Access |
|---------------------|--|-------------|---------------|
| Supporting Document | Uniform Transmittal Document-Property & Casualty | Approved    | Yes           |
| Form                | Technology Services Coverage                     | Approved    | Yes           |
| Form                | Technology Services Coverage                     | Approved    | Yes           |

## Form Schedule

| Review Status | Form Name                    | Form #  | Edition Date | Form Type Action                 | Action Specific Data | Readability | Attachment  |
|---------------|------------------------------|---------|--------------|----------------------------------|----------------------|-------------|-------------|
| Approved      | Technology Services Coverage | PELP187 | 06/07        | Endorsement/Amendment/Conditions |                      | 0.00        | PELP187.pdf |
| Approved      | Technology Services Coverage | PLP187  | 06/07        | Endorsement/Amendment/Conditions |                      | 0.00        | PLP187.pdf  |

This endorsement, effective 12:01 a.m. on \_\_\_\_\_, forms a part of Policy No. \_\_\_\_\_  
issued to \_\_\_\_\_  
by \_\_\_\_\_

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

### **TECHNOLOGY SERVICES COVERAGE**

It is agreed that Section III., DEFINITIONS, paragraph O., PROFESSIONAL SERVICES, is amended to include:

The performance of TECHNOLOGY SERVICES for a specific client in conjunction with the INSURED'S practice of architecture, engineering, land surveying, landscape architecture, interior design, construction management, or environmental consulting.

With respect to the coverage provided by this Endorsement, SECTION III., DEFINITION(S), is amended to include the following:

S. TECHNOLOGY SERVICES shall mean:

- 1) design and development of computer software programs, applications or systems;
- 2) database design or database management, data warehousing, data and application hosting;
- 3) website design or website programming;
- 4) maintenance of computer software programs, applications or systems designed or developed by the INSURED, and;
- 5) hosting, management, or maintenance of websites designed or programmed by the INSURED.

With respect to the coverage provided by this Endorsement, SECTION III., DEFINITION(S), paragraph G., DAMAGES, is amended to include the following:

DAMAGES does not include any costs or expenses incurred by the INSURED to recall, upgrade, replace, repair, correct, complete or re-perform any TECHNOLOGY SERVICES.

It is further understood and agreed that Section V., EXCLUSIONS, is amended by adding the following Exclusions, which apply to the coverage provided under this Endorsement:

- Any CLAIM(S) based on or arising out of deceptive trade practices, dilution and civil actions for consumer fraud;
- Any CLAIM(S) based on or arising out of the failure to prevent unauthorized access to or use of an electronic system or program, unless such unauthorized access or use arises out of a WRONGFUL ACT in the INSURED'S performance of TECHNOLOGY SERVICES;

- Any CLAIM(S) based on or arising out of any discontinuance or cessation by the INSURED of the provision, support or maintenance of any TECHNOLOGY SERVICES;

All other provisions of this policy remain unchanged.

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Authorized Representative



This endorsement, effective 12:01 a.m. on \_\_\_\_\_, forms a part of Policy No. \_\_\_\_\_  
issued to \_\_\_\_\_  
by \_\_\_\_\_

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

### **TECHNOLOGY SERVICES COVERAGE**

It is agreed that Section III., DEFINITIONS, paragraph K., PROFESSIONAL SERVICES, is amended to include:

The performance of TECHNOLOGY SERVICES for a specific client in conjunction with the INSURED'S practice of architecture, engineering, land surveying, landscape architecture, interior design, construction management, or environmental consulting.

With respect to the coverage provided by this Endorsement, SECTION III., DEFINITION(S), is amended to include the following:

N. TECHNOLOGY SERVICES shall mean:

- 1) design and development of computer software programs, applications or systems;
- 2) database design or database management, data warehousing, data and application hosting;
- 3) website design or website programming;
- 4) maintenance of computer software programs, applications or systems designed or developed by the INSURED, and;
- 5) hosting, management, or maintenance of websites designed or programmed by the INSURED.

With respect to the coverage provided by this Endorsement, SECTION III., DEFINITION(S), paragraph D., DAMAGES, is amended to include the following:

DAMAGES does not include any costs or expenses incurred by the INSURED to recall, upgrade, replace, repair, correct, complete or re-perform any TECHNOLOGY SERVICES.

It is further understood and agreed that Section V., EXCLUSIONS, is amended by adding the following Exclusions, which apply to the coverage provided under this Endorsement:

- Any CLAIM(S) based on or arising out of deceptive trade practices, dilution and civil actions for consumer fraud;
- Any CLAIM(S) based on or arising out of the failure to prevent unauthorized access to or use of an electronic system or program, unless such unauthorized access or use arises out of a WRONGFUL ACT in the INSURED'S performance of TECHNOLOGY SERVICES;

- Any CLAIM(S) based on or arising out of any discontinuance or cessation by the INSURED of the provision, support or maintenance of any TECHNOLOGY SERVICES;

All other provisions of this policy remain unchanged.

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Authorized Representative

## **Rate Information**

Rate data does NOT apply to filing.

## Supporting Document Schedules

|                         |  |                                   |            |
|-------------------------|--|-----------------------------------|------------|
| <b>Satisfied -Name:</b> | Uniform Transmittal Document-<br>Property & Casualty | <b>Review Status:</b><br>Approved | 07-11-2007 |
| <b>Comments:</b>        |  |                                   |            |
| <b>Attachments:</b>     |  |                                   |            |
|                         | NAIC Transmittal.pdf                                 |                                   |            |
|                         | Form Filing Schedule.pdf                             |                                   |            |
|                         | Explanatory Memorandum-187.pdf                       |                                   |            |

# Property & Casualty Transmittal Document

|   |   |  |
|---|---|--|
| <b>1. Reserved for Insurance Dept. Use Only</b> | <b>2. Insurance Department Use only</b> |  |
|   | a. Date the filing is received:         |  |
|   | b. Analyst:                             |  |
|   | c. Disposition:                         |  |
|   | d. Date of disposition of the filing:   |  |
|   | e. Effective date of filing:            |  |
|   | New Business                            |  |
|   | Renewal Business                        |  |
|   | f. State Filing #:                      |  |
|   | g. SERFF Filing #:                      |  |
| h. Subject Codes                                |   |  |

|                      |                     |
|----------------------|---------------------|
| <b>3. Group Name</b> | <b>Group NAIC #</b> |
| XL America, Inc.     | 1285                |

| 4. Company Name(s)             | Domicile | NAIC # | FEIN #     | State # |
|--------------------------------|----------|--------|------------|---------|
| XL Specialty Insurance Company | DE       | 37885  | 85-0277191 |         |
|                                |          |        |            |         |
|                                |          |        |            |         |
|                                |          |        |            |         |
|                                |          |        |            |         |
|                                |          |        |            |         |
|                                |          |        |            |         |

|                                   |                           |
|-----------------------------------|---------------------------|
| <b>5. Company Tracking Number</b> | <b>07SD-XD-DP09-CW-AR</b> |
|-----------------------------------|---------------------------|

**Contact Info of Filer(s) or Corporate Officer(s)** [include toll-free number]

| 6. | Name and address  | Title                        | Telephone #s                 | FAX #        | e-mail                       |
|----|---|------------------------------|------------------------------|--------------|------------------------------|
|    | Patricia Pollard<br>1201 N. Market, Suite 501<br>Wilmington, DE 19801 | Senior State Filings Analyst | 302-661-7059<br>866-304-3079 | 302-778-4190 | Patricia.Pollard@xlgroup.com |
|    |   |                              |                              |              |                              |

|           |                                       |                  |
|-----------|---------------------------------------|------------------|
| <b>7.</b> | Signature of authorized filer         |                  |
| <b>8.</b> | Please print name of authorized filer | Patricia Pollard |

**Filing information** (see General Instructions for descriptions of these fields)

|  |  |
|--|--|
| <b>9. Type of Insurance (TOI)</b>  | Other Liability  |
| <b>10. Sub-Type of Insurance (Sub-TOI)</b>   | Professional Liability   |
| <b>11. State Specific Product code(s) (if applicable)[See State Specific Requirements]</b> |  |
| <b>12. Company Program Title</b> (Marketing title)   | Architects, Engineers & Consultants Professional Liability   |
| <b>13. Filing Type</b>   | <input type="checkbox"/> Rate/Loss Cost <input type="checkbox"/> Rules <input type="checkbox"/> Rates/Rules<br><input checked="" type="checkbox"/> Forms <input type="checkbox"/> Combination Rates/Rules/Forms<br><input type="checkbox"/> Withdrawal <input type="checkbox"/> Other (give description) |
| <b>14. Effective Date(s) Requested</b>   | New: 9/1/07                      Renewal: 9/1/07   |
| <b>15. Reference Filing?</b>   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| <b>16. Reference Organization</b> (if applicable)  |  |

|   |  |
|---|--|
| <b>17. Reference Organization # &amp; Title</b> |  |
| <b>18. Company's Date of Filing</b>             |  |
| <b>19. Status of filing in domicile</b>         | <input type="checkbox"/> Not Filed <input type="checkbox"/> Pending <input type="checkbox"/> Authorized <input type="checkbox"/> Disapproved |

### Property & Casualty Transmittal Document—

|  |                    |
|--|--------------------|
| <b>20. This filing transmittal is part of Company Tracking #</b> | 07SD-XD-DP09-CW-AR |
|--|--------------------|

|  |
|--|
| <b>21. Filing Description</b> [This area can be used in lieu of a cover letter or filing memorandum and is free-form text] |
|--|

XL Specialty Insurance Company is submitting forms PELP 187 (06/07) and PLP 187 (06/07) Technology Services Coverage Endorsements to be used with our Professional Architects, Engineers and Consultants Liability program. These are new forms which do not replace any other forms or endorsements.

The intent of this endorsement is to expand the definition of professional services, and thus expand coverage under the policy, to include liability arising out of the insured's performance of "technology services." The attached Explanatory Memorandum provides further details of the intent of these endorsements.

Our initial program was submitted under our file number 03SD-XD-EO01-CW-ARF, approved effective January 15, 2004.

We propose an effective date of September 1, 2007.

|   |
|---|
| <b>22. Filing Fees</b> (Filer must provide check # and fee amount if applicable)<br>[If a state requires you to show how you calculated your filing fees, place that calculation below] |
| <p><b>Check #:</b> 63333<br/> <b>Amount:</b> 50.00</p> <p><b>Refer to each state's checklist for additional state specific requirements or instructions on calculating fees.</b></p>    |

Effective March 1, 2007

**\*\*\*Refer to the each state's checklist for additional state specific requirements (i.e. # of additional copies required, other state specific forms, etc.)**

**FORM FILING SCHEDULE**

(This form must be provided ONLY when making a filing that includes forms)  
 (Do **not** refer to the body of the filing for the forms listing, unless allowed by state.)

|           |   |  |   |  |   |
|-----------|---|--|---|--|---|
| <b>1.</b> | <b>This filing transmittal is part of Company Tracking #</b>  |  | <b>07SD-XD-DP09-CW-AR</b>   |  |   |
| <b>2.</b> | <b>This filing corresponds to rate/rule filing number</b><br>(Company tracking number of rate/rule filing, if applicable) |  |   |  |   |
| <b>3.</b> | <b>Form Name<br/>/Description/Synopsis</b>  | <b>Form #<br/>Include edition<br/>date</b> | <b>Replacement<br/>or<br/>Withdrawn?</b>  | <b>If replacement,<br/>give form #<br/>it replaces</b> | <b>Previous state<br/>filing number,<br/>if required by state</b> |
| 01        | Technology Services<br>Coverage   | PLP187 (06/07)                             | <input checked="" type="checkbox"/> New<br><input type="checkbox"/> Replacement<br><input type="checkbox"/> Withdrawn |  |   |
| 02        | Technology Services<br>Coverage   | PELP187 (06/07)                            | <input checked="" type="checkbox"/> New<br><input type="checkbox"/> Replacement<br><input type="checkbox"/> Withdrawn |  |   |
| 03        |   |  | <input type="checkbox"/> New<br><input type="checkbox"/> Replacement<br><input type="checkbox"/> Withdrawn            |  |   |
| 04        |   |  | <input type="checkbox"/> New<br><input type="checkbox"/> Replacement<br><input type="checkbox"/> Withdrawn            |  |   |
| 05        |   |  | <input type="checkbox"/> New<br><input type="checkbox"/> Replacement<br><input type="checkbox"/> Withdrawn            |  |   |
| 06        |   |  | <input type="checkbox"/> New<br><input type="checkbox"/> Replacement<br><input type="checkbox"/> Withdrawn            |  |   |
| 07        |   |  | <input type="checkbox"/> New<br><input type="checkbox"/> Replacement<br><input type="checkbox"/> Withdrawn            |  |   |
| 08        |   |  | <input type="checkbox"/> New<br><input type="checkbox"/> Replacement<br><input type="checkbox"/> Withdrawn            |  |   |
| 09        |   |  | <input type="checkbox"/> New<br><input type="checkbox"/> Replacement<br><input type="checkbox"/> Withdrawn            |  |   |
| 10        |   |  | <input type="checkbox"/> New<br><input type="checkbox"/> Replacement<br><input type="checkbox"/> Withdrawn            |  |   |



## **Explanatory Memorandum**

The intent of this endorsement is to expand the definition of professional services, and thus expand coverage under the policy, to include liability arising out of the insured's performance of "technology services." Technology services are specifically defined in the endorsement as:

- 1) design and development of computer software programs, applications or systems;
- 2) database design or database management, data warehousing, data and application hosting;
- 3) website design or website programming;
- 4) maintenance of computer software programs, applications or systems designed or developed by the INSURED, and;
- 5) hosting, management, or maintenance of websites designed or programmed by the INSURED.

We shall communicate the availability of this coverage through our agents, and will make this coverage available to any of our policyholders that are or will be performing these services on their projects. We do not intend to charge for this coverage.